

**Questions from the LEAs
EC Directors Webinar
August 21, 2013**

Funding

- 1) Is there guidance for expenditures of CEIS set aside money? How is it monitored and is there a checklist or guidance for reference?

The funding should be targeted for the "problem" area (e.g. identification, placement, or discipline). The preference is to spend at K-3 level but funds can be spent at any level needed but must be spent on children who are not already identified as EC. It is recommended that you drill down to find out further where the problem is (e.g. specific schools, grade levels, etc.). If you determine a school-wide or district-wide program/strategy is needed, look at evidenced-based practices (e.g. PBIS, RtI, Reading Foundations, specific intervention programs, etc.).

Allowable cost activities are specified in program report code (PRC 070) in the state Chart of Accounts that is available on the DPI/Financial & Business Services website at <http://www.ncpublicschools.org/fbs/finance/reporting/coa2014>. This is also accessible via our grants system. The OSEP CEIS guidance that is posted on our grants system is also attached.

CEIS is included in the EC Division fiscal monitoring process (preselected desk reviews and risk based on-sites) for appropriate use of funds. The monitoring instrument details specific monitoring components and is forwarded to the selected LEAs with their notification letter of fiscal monitoring. The EC Division is working to add the monitoring information to our Division website.

- 2) Has there been a resolution for creating a consistent application, plan development and reporting, and budget reporting format across grant funding sources (e.g., PRC 82, PRC 29, PRC 118, etc.)?

With specific and varied requirements for many initiatives funded through PRC 82, 29 and 118, we are unable to create a common application, plan development and reporting document. However, we are working on one single expenditure form that will capture all funding expenditures outside of PRC 060. We are also moving to a mid-year and final report request, which will limit the number of reporting forms LEAs are asked to submit. The EC Division hopes to have the expenditure form out for review in the next few weeks.

Read To Achieve

- 3) In the Good Cause Exemptions for Read to Achieve, it states that students with IEPs, taking alternate assessments, are eligible for exemption. Does that mean NCEXTEND1 & NCEXTEND2?

The Good Cause Exemption applies only to the students on the NCEXTEND1.

- 4) The Good Cause Exemptions for Read to Achieve (R2A) have "alternative assessment" language. Has this been defined? Is it being used in the same way as our students taking Alternate Assessment?

"Alternative assessment" is defined as a valid and reliable standardized assessment of reading comprehension, approved by the State Board of Education that is not the same test as the State-approved standardized test of reading comprehension administered to third grade students. This test may also be known as the "Read to Achieve test" not to be confused with the Alternate Assessment for the NCEXTEND1.

This term is not being used in the same way as our definition of "Alternate Assessment". The Good Cause Exemption applies to the students who are on the NCEXTEND1 only. Students who are on the NCEXTEND2 will be expected to meet the requirements of Read to Achieve legislation.

5) What does the department think the impact will be for our students with disabilities and what should we be doing to assist teachers?

R2A could have a significant impact on students who may experience difficulty meeting proficiency on the EOGs. These students need to be given the same opportunities as other struggling readers who are not meeting proficiency. For more information, please refer to the K-3 Literacy website and NC Read to Achieve has a livebinder for additional information and documents.

- a. <http://www.livebinders.com/play/play?id=850102>
- b. <http://www.ncpublicschools.org/k-3literacy/>

OCS & Assessment

6) Have any changes been made to OCS hours for this school year? If not, is a waiver being considered for the employment hours?

The State Board of Education has approved the Future-Ready Occupational Course of Study (FR-OCS) Temporary Waiver of Paid Employment Graduation Requirement for the 2013-2014 SY. This means that students in the FR-OCS will still be required to complete a total of 900 hours of vocational training and/or employment in order to receive the North Carolina Diploma. The substitution waiver allows participating students to substitute 360 hours of additional unpaid vocational training, unpaid internships, paid employment at community rehabilitation facilities, and volunteer and/or community service hours for the 360 hours of competitive, paid employment hours if unable to secure paid employment in an integrated employment setting.

All paid employment, unpaid vocational training hours, internship hours, volunteer and/or community service hours will be conducted in accordance with the Fair Labor Standards Act and applicable state and federal child labor laws. In addition, LEAs will be required to maintain documentation of their attempts to help the student secure paid employment through referrals to the North Carolina Division of Vocational Rehabilitation, Division of Services for the Blind, Workforce Investment Act (WIA) funded youth employment programs and other appropriate adult employment service agencies.

Evidence of interagency collaboration and referral(s) must be documented on the student's transition component of their IEP. This waiver request is in effect until the unemployment rate reaches 6% or less.

7) Is it definite that there will be no NCEXTEND2 assessment after 2013-14?

According to NC DPI Accountability Division, will be no NCEXTEND2 assessment after the 2013-14 school year.

VI/HI Support

8) Is there guidance to provide to teachers on determining service delivery for students identified as VI or HI? Is there guidance to ensure appropriate VI/HI services are based on what is best for the students?

As with any child with a disability, a child with a visual impairment or hearing loss has needs determined individually by the IEP Team. Needs drive goals, goals drive services, services drive placement.

The special factors on the IEP require explicit consideration of the communication needs of a child who is deaf or hard of hearing. This includes:

- a. language and communication needs;
- b. opportunities for direct communication with peers and professionals in the child's language and communication mode;
- c. academic level; and
- d. the full range of needs, including opportunities for direct instruction.

It is now required, due to new legislation in North Carolina, to use the Communication Plan Worksheet for these students. This form can be found on our Division website for download:

(<http://ec.ncpublicschools.gov/policies/forms/statewide-forms>). Using this worksheet, an IEP Team can determine a child's individual needs and use that information to craft specific goals (and resulting services) to address them.

There is guidance our Consultants offer occasionally to suggest one hour of service per day for each year of language delay and there is field literature to support this level of service, but officially this determination must be based on the goals that are developed that can be reasonably attained in a year's time. Each student's goals and services must be uniquely determined, not in a 'cookie cutter' formula. For more assistance and guidance with this, please contact your regional Consultant for Deaf and Hard of Hearing.

There is not and should not be any formula that says 'this is what we provide to all our students with cochlear implants, to our students with multiple disabilities, to our students who use American Sign Language, to our students who use Cued Speech,' etc.

The same holds true for Visual Impairment (VI). Visual impairment is similar in that needs and resulting goals, services and placement, must be determined individually and not according to a formula or to the availability of a teacher.

Special factors in the IEP also address VI, in that braille instruction must be provided unless indicated otherwise. However, this only can be determined through the use of a Learning Media Assessment. Your regional Consultant for Visually Impaired can provide additional information, if needed.

With that, whether to teach braille is not the only decision to make. As with any student, the child with a visual impairment must have an IEP that is developed to address two areas: academic achievement and other educational needs. Academic achievement often involves learning how to **access** content as much as learning the content itself. This can include braille instruction but also may include using optical devices, computer access settings and software and other tools for gaining access to text and other items and concepts typically presented visually.

'Other educational needs' may be called functional skills, life skills, or similar terms but they are what students need in addition to academics to become responsible, productive citizens. In the VI field, it is referred to as the *Expanded Core Curriculum* and it includes compensatory skills, orientation & mobility, social interaction, independent living, career/vocational, self-determination and more. Our Consultants for Visually Impaired can be helpful resources with information on goal development, curricular resources, instructional strategies, and more. A new professional development module on IEP Goal Development for students with visual impairments has been developed. This is being introduced this fall with our first training in late September, hosted by Cumberland County Schools.

9) How do you determine the amount of braille instruction a student receives?

Determine first the amount of braille the child needs to learn that year, then make a professional judgment as to the amount of service required to instruct the student and for the student to achieve the goal(s); contact your regional VI consultant for guidance and help.

Evaluations

11) Some psychologists are very insistent on using the RIAS. Is it OK to discontinue the use of this assessment?

There are no tests that DPI recognizes or doesn't recognize. However, there is local control so it is possible that an LEA may place stipulations about what tests are "OK" or appropriate for use in their district.

There are mixed concerns regarding the RIAS for complex learning problems associated with learning disabilities or intellectual disabilities. Some psychologists feel the RIAS does not give all the information necessary and helpful when a student is struggling with complex learning problems. Other professionals disagree and use it regularly.

It is still a valid and reliable instrument and certainly useful for other populations; however, there are other instruments that give much more data about the child's cognitive profile that can be used to support eligibility decisions. Ultimately it is up to the school psychologist; if the LEA makes a decision on permissible assessments, then this will guide the school psychologist.

12) What are the guidelines for storage and how long should we keep assessment protocols once students have been assessed and eligibility has been determined?

FERPA controls those records that are: 1) directly related to a student; and are 2) maintained by an educational agency or institution or by a party acting for the agency or institution. FERPA does not address the particulars of how records should be managed, stored, retrieved, accessed, or disposed.

Regarding test protocols, it depends on whether the protocols are considered education records. OSEP stated that test instruments and protocols that do NOT contain the student's name or other personally identifiable information are not considered directly related to a student and therefore, are not personal records. There is no statutory timeline to keep education records in North Carolina. Each LEA should have a record retention policy that determines how long records are maintained. However, the EC Division has made a recommendation that Exceptional Children records be retained for 5 years after the student has graduated.

Prior Written Notice (PWN)

13) What is required in the PWN? Must the PWN contain both proposals and refusals, including explanations, or proposals and/or refusal(s), including explanations. CECAS will not allow you leave refusals blank when the form states proposals or refusals.

The PWN (DEC5) in CECAS does not have a specific field for refusals. There is a text field for describing proposals and refusals. Some text is required in the field, but CECAS doesn't "know" whether it is a proposal or a refusal.

Under 34 CFR §300.503(b)(1) and (b)(2), the prior written notice must include a description of the action proposed or refused by the agency and an explanation of why the agency proposes or refuses to take the action. Prior written notice must also include a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; a description of the other options that the IEP Team considered; the reasons why those options were rejected; and a description of other factors that are relevant to the agency's proposal or refusal. See 34 CFR §300.503(b)(3),(6) and (7). Both proposals and refusals must be addressed in the notice. If the Team agrees to the proposal(s) and the LEA is not refusing a parent request, only the proposal(s) is addressed.

Accommodations

14) To what extent is the LEA responsible for providing accommodations for parents of EC students who are disabled (e.g., interpreting services for a parent who is hearing impaired) to attend and/or participate in school-related functions?

The IDEA requires districts to take "whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English." 34 CFR 300.322 (e).

The IDEA does not speak to the responsibilities of the LEA in providing accommodation for parents to participate in school-related functions. However, Section 504 requires that districts provide auxiliary aids and services if the services are needed in order for the parents to participate in IEP Team meetings, PTA meetings, parent-teacher conferences, graduation ceremonies and other programs that are for the benefit of the parents.

Transportation

- 15) Do bus monitors have to be on every special ed bus or is the need driven by the documentation of student needs? Should bus monitors be on every bus regardless of whether the IEP states the need?

No, bus monitors do not need to be on every bus that transports EC students. If the IEP indicates the need, then monitor support must be provided.

IEPs

- 16) If yes is checked for behaviors under the Special Factors section on the IEP, do you need a goal addressing the behavior as well as a BIP?

In the case of a child whose behavior impedes the child's learning or the learning of others, the IEP Team must consider the use of positive behavioral interventions and supports, and other strategies, to address the behavior. 34 CFR §300.324(a)(2) Such interventions, supports or strategies may be documented in the form of an IEP goal, a behavioral intervention plan (BIP), or both as determined by the IEP Team. **REMINDER:** A goal connotes specially designed instruction.

- 17) If a re-evaluation is conducted during the life of an IEP and changes are made to the IEP, does the IEP Team have to sign addendum and reevaluation sections on the IEP?

The IEP Team must review the results of an evaluation, determine eligibility and review the IEP. If necessary, the IEP is revised or amended. If the IEP is revised, the Team participation is noted under the *Amendment* section only. If after review the Team determines that the IEP is appropriate as it is currently written, the Team participation is noted under the section noted *Reevaluation*. The Team must address the reevaluation proposals, including any changes in the provision of FAPE in the PWN.

- 18) Please clarify what dual roles an EC teacher can serve on an IEP Team.

As indicated in the regulations at 34 CFR §300.321(a)(5), the EC teacher could serve as the person who can interpret the instructional implications of the evaluation results, if he or she is able to perform this responsibility. Also, if he or she meets the qualifications of the LEA representative, he or she could serve in that role. He or she must be knowledgeable of and empowered to commit the resources of the LEA. Other school system personnel cannot overturn decisions reached in IEP Team meetings where the EC teacher serves as the LEA representative.

Teacher Evaluation

- 19) Are there any resources to assist administrators in applying the teacher evaluation tool to teachers working with students on the Extended Content Standards?

A guidance document outlining best practices is being planned for this purpose and will be created in collaboration with other divisions in the agency and Institutions of Higher Education teacher preparation programs. Let us know if you have a need and would like to request this type document for other settings or service delivery options (e.g. self-contained, resource, co-teaching). Additionally, if you have these tools already developed, we hope that you will share those with us. Send your requests and/or tools to the attention of Tish Bynum at tish.bynum@dpi.nc.gov.

PRC 29

- 20) Is there any possibility that the rubric for PRC 29 can be reconfigured or modified to better address the needs of K-3 and self-contained students with Autism or Cognitive Impairments?

The rubric and rating scale has been modified to take in consideration of the elementary population. These revisions will ensure that students with acute behavior and emotional disabilities are given first priority by the grant but allow the LEA/Charter the flexibility to coordinate services for those students 20-29 point range. Students that

are AU should show evidence that they are involved with the AU problem-solving model before attempting PRC 29 services.

21) Are there any guidelines or information on the requirements for service provision to children who earn enough points to only be on the Priority Watch List?

Priority watch list has been changed to facilitate and coordinate services. This will allow each LEA/Charter to establish what direct services will look like for the students with the greatest need as well as those who score in the 20-29 range who may require individualized behavior plans to insure progress and safety.

Schools that implement PBIS and are doing it with fidelity have seen great results. The services that can be tried before a student make the PRC 29 list depends on each LEA. Please see the list below for possible options:

1. Small group instructions
2. Progress monitoring
3. Behavior group strategies
4. Academic instructions

22) When will we receive notice about PRC 29 funds?

We do not have a definitive allocation date but will process as soon as possible.